

P.O. Box 97  
121 Main Street  
Zap, North Dakota 58580-0097  
Phone: 701-948-2256  
Fax: 701-948-2438  
Email: [zapnd@westnrv.com](mailto:zapnd@westnrv.com)  
Web site: [www.wrtc.com/zapnd/](http://www.wrtc.com/zapnd/)

# CITY OF ZAP

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21161

May 7, 2004

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N. W.  
Washington, DC 20423-0001

RE: Surface Transportation Board Docket No. AB-6 (sub-No. 420X): The Burlington Northern and Santa Fe Railway Company (BNSF) Abandonment between Antelope Valley Station and Zap, North Dakota.

## Statement of Willingness to Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247 (d) and 49 CFR 1152.29, the City of Zap is willing to assume full responsibility for management of, for any legal liability arising out of (unless the user is immune from liability, in which case is need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the Burlington Northern and Santa Fe Railway Company, (Railroad) with respect to that portion of the right-of-way in Mercer County, North Dakota. The property extends from Milepost 77.14 near Antelope Valley Station to Milepost 80.50 near Zap, a distance of approximately 3.36 miles in Mercer County, North Dakota. The right-of-way is part of a line proposed for abandonment in Docket AB-6 (Sub-No.420X).

A map of the right-of-way is attached.

The City of Zap acknowledge that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

City of Zap

*Clarence Olszewski*  
Clarence Olszewski, Mayor  
P.O. Box 97  
Zap, North Dakota 58580-0097

CC/Michael Smith

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SURFACE  
TRANSPORTATION BOARD



[illegible]

REPUBLIC

MILEPOST 77.14

ANTELOPE VALLEY STATION

Gravel

NORTH BELAIR SAND INVASION

R 89 W

R 88 W

**BURLINGTON**

MERCER CO	OLIVER CO
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